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July 15, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: IC Docket No. 94-31

Dear Mr. Caton:

On behalf of the United States Satellite Broadcasting Company, Inc. ("USSB"), transmitted herewith are an original and nine (9) copies of its Comments in the above-referenced matter.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,

FLETCHER, HEALD & HILDRETH

Leonard R. Raish

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Counsel for The United States
Satellite Broadcasting Company,
Inc.

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Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)
)
Preparation for International) IC Docket No. 94-31
Telecommunication Union World)
Radiocommunication Conferences)

To: The Commission

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**COMMENTS OF UNITED STATES SATELLITE
BROADCASTING COMPANY, Inc. (USSB)**

The United States Satellite Broadcasting Company, Inc. (USSB), through its attorneys, submits the comments below with regard to the above-cited Notice of Inquiry (NOI). These comments are supportive of the Commission's actions in preparing for the 1995 World Radiocommunication Conference (WRC-95) and, in addition, address specifically the subject of Appendices 30 and 30A of the ITU Radio Regulations (See NOI at paragraphs 31-33).

I. GENERAL

USSB is licensed by the Commission to operate a Direct Broadcasting Satellite (DBS) system at 101° WL. DBS service commenced on June 17, 1994 and when fully operational at 101° WL will offer approximately 150 to 200 channels of programming (from two satellites), of which approximately 25 channels will be provided by USSB.

USSB is a subsidiary of the Hubbard Broadcasting, Inc. Ownership of the first satellite launched at 101° is shared by USSB and Hughes Communications Galaxy, Inc. (Hughes), a subsidiary of GM Hughes Electronics. The second satellite will

be owned by Hughes.

II. USSB IS INTERESTED

USSB welcomes the NOI in this proceeding and notes the discussion therein addresses WRC-95 specifically as well as preliminary planning for subsequent ITU WRCs to be held in 1997 and 1999. The procedure and planning set forth in the NOI appears to be a good means of assuring continuity of planning and for presentation of U.S. views in the ITU arena over the next five years. USSB supports active participation by the U.S. in the WRC-95 negotiations and in the related Working Party 10-11S and CPM-95 efforts.

Noting the foregoing, the specific interest of USSB centers on the WRC-95 agenda items concerning Appendices 30 and 30A of the ITU Radio Regulations and Resolution 524 (adopted at WARC-92). USSB has developed its DBS system pursuant to the Region 2 provisions in Appendices 30 and 30A. Accordingly, any discussions or actions affecting these Appendices is of direct interest to USSB.

III. THE FEDERAL INDUSTRY ADVISORY COMMITTEE SHOULD TAKE COGNIZANCE OF APPENDICES 30 AND 30A

The NOI at para. 42 advises of the Commission's intention to establish an Industry Advisory Committee to develop independent private sector proposals and positions on WRC-95 agenda items. USSB notes that since then the Advisory Committee has, in fact, been established, and further, has held an organizational meeting on May 31, 1994 at which six informal working groups (IWGs) were designated to undertake the detailed work of providing industry

views.¹ It is not clear, however, which of the IWGs is to deal with Appendices 30 and 30A. USSB recommends, therefore, that one of the six IWGs be given the additional responsibility of dealing with Appendices 30 and 30A matters or, alternatively, a seventh IWG be established for this purpose.

**IV. U.S. SHOULD BE AN ACTIVE PARTICIPANT
IN DEVELOPMENT OF CRITERIA FOR THE
REGIONS 1 AND 3 PLANS**

Since the Broadcasting-Satellite Service (BSS) plans for Regions 1 and 3 were originally drawn up in 1977, revisions thereof during the late 1990's time frame can expect to be significant due to technological advances over the years. As seen by USSB, the U.S. has at least two reasons to be interested in the work of revising the Regions 1 and 3 plans, viz (1) to assure actions are not taken that would jeopardize BSS activities in Region 2 and (2) to assure the new Regions 1 and 3 plans do not preclude future entry into those markets by U.S. entities.

Noting the foregoing, U.S. participation in WRC-95 needs to be augmented by U.S. participation additionally in the ITU studies being done pursuant to Resolution 524 (WARC-92). These are being done, for the most part, in International Working Party 10-11S and CPM-95. If successful results for the U.S. emanate from the latter, the U.S. task as regards Appendices 30 and 30A at WRC-95 will be less difficult. Accordingly, the Commission is urged to push actively on the subjects of Appendices 30 and 30A not only in the IAC that has been established to work on WRC-95

¹FCC Public Notice number 43449 dated June 10, 1994.

but also in the U.S. activities in WP10-11S and CPM-95 which are aimed at providing internationally agreed technical inputs to WRC-95.

Finally, as seen by USSB, answers to the questions posed in the NOI (at paragraphs 31, 32, and 33) will be developed in the course of the preparatory work already started in the IAC and its Working Groups as well as in WP10-11S and CPM-95.

**V. THE POSSIBLE IMPACT OF THE VGE REPORT
NEEDS TO BE TAKEN INTO ACCOUNT**

The Report of the Voluntary Group of Experts (VGE) on simplification of the Radio Regulations makes several references to Appendices 30 and 30A. Since the VGE Report is also on the agenda for WRC-95, it appears necessary that any study of Appendices 30 and 30A must take into account the likely ramification of that Report. As part of the simplification process, the VGE Report recommends many changes to Appendices 30 and 30A, e.g., deletion of several articles, use of new "Simplified Procedures" that are proposed elsewhere in the Report, and the transfer of certain provisions out of Appendices 30 and 30A to elsewhere in the Radio Regulations. While the VGE proposals may have merit from a "simplification" standpoint, the initial reaction of USSB is that it would be preferable to retain Appendices 30 and 30A as self contained documents without a need to refer to other parts of the Radio Regulations.

VI. CONCLUSIONS

Noting the foregoing discussion, the following conclusions are recapped:

- (A) Consideration of Appendices 30 and 30A by WRC-95 will impact upon the interests of the U.S. and should be included in the IAC work in preparation for WRC-95.
- (B) The U.S. should be an active participant in development of criteria for the Regions 1 and 3 plans to assure that integrity of Region 2 planning and other interests are maintained.
- (C) The advisability of changing Appendices 30 and 30A as proposed in the VGE Report is questioned.
- (D) The remainder of the NOI does not directly affect USSB but is noted with interest.

Respectfully submitted,

UNITED STATES SATELLITE
BROADCASTING COMPANY, INC.

By: 
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Its Attorney

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Date: July 15, 1994